

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZYNGA INC.
Petitioners,

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC
Patent Owner.

Case IPR2013-00156
Patent 7,860,131 B1

Before SALLY C. MEDLEY, KARL D. EASTHOM, and JONI Y. CHANG,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On October 17, 2013, the following individuals participated in a conference
call:

(1) Mr. David Cochran and Mr. Louis Touton, counsel for Zynga, Inc.
("Zynga");

(2) Mr. Thomas Scott, Jr. and Mr. Stephen Schreiner, counsel for Personalized Media Communications (“PMC”); and

(3) Sally Medley, Karl Easthom, and Joni Chang, Administrative Patent Judges.

The purpose of the conference call was for PMC to confer with the Board prior to filing a motion to amend.¹

Motion to Amend

PMC explained that it intends to file a motion to amend. The parties were directed to the Patent Trial Practice Guide for guidance. *See Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48766-48767 (Aug. 14, 2012). More specifically, in any motion to amend PMC files, the motion must explain in detail how any proposed substitute claim obviates the grounds of unpatentability authorized in this trial and clearly identify where corresponding written description support in the specification can be found for each claim added. If the motion to amend includes a proposed substitution of claims beyond a one-for-one substitution, the motion must explain why more than a one-for-one substitution of claims is necessary. 37 C.F.R. § 42.121. For further guidance regarding these requirements, the parties were directed to two Board decisions: (1) IPR2012-00005, Paper 27 (June 3, 2013) and (2) IPR2012-00027, Paper 26 (June 11, 2013).

Counsel for PMC represented that PMC intends to file a motion to amend, moving to substitute a claim for claim 1 involved in the case. Counsel for PMC further represented that PMC did not intend to file a motion to amend in any of the related cases (IPR2013-00162, 00164 or 00171).

¹ 37 C.F.R. § 42.121(a) provides that a patent owner may file one motion to amend, but only after conferring with the Board.

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Patent 7,860,131

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